

**RULES
OF
THE TENNESSEE DEPARTMENT OF AGRICULTURE
DIVISION OF FORESTRY**

**CHAPTER 0080-7-2
USE OF LOOKOUT TOWERS FOR COMMUNICATION SYSTEMS**

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0080-7-2-.01 DEFINITIONS.

Division - Refers to the Department of Agriculture, Division of Forestry.

Authority: T.C.A. §§4-3-201 et seq., 4-3-504, 11-1-101 et seq., 11-4-101 et seq., 11-4-102, 11-4-301(d)(18), 11-4-405, and Executive Order No. 41 (February 4, 1991). **Administrative History:** Original rule filed August 25, 1989; effective October 9, 1989. Rule 0080-7-2-.01 has been assigned a new control number, removed, and renumbered from the amended rule 0400-8-1-.01 filed December 6, 2000; effective April 30, 2001.

0080-7-2-.02 PURPOSE.

The purpose of these rules is to create criteria to govern the use of lookout tower sites and other Department of Agriculture, Division of Forestry land for communication systems and to establish a system of fees for this use.

Authority: T.C.A. §§4-3-201 et seq., 4-3-504, 11-1-101 et seq., 11-4-101 et seq., 11-4-102, 11-4-301(d)(18), 11-4-405, and Executive Order No. 41 (February 4, 1991). **Administrative History:** Original rule filed August 25, 1989; effective October 9, 1989. Rule 0080-7-2-.02 has been assigned a new control number, removed, and renumbered from the amended rule 0400-8-1-.02 filed December 6, 2000; effective April 30, 2001.

0080-7-2-.03 CRITERIA FOR EVALUATING REQUESTS.

The Department of Agriculture, Division of Forestry will evaluate all requests for antenna space based upon the following criteria:

- (1) Security - An analysis of the measures necessary to protect the antennas and systems from theft, vandalism, etc. and of the increase in danger to systems already on a site.
- (2) Number of Existing Systems - An increase in the number of systems at a site causes an increase in security costs, interference possibilities, administrative cost, and a lessening of the aesthetic appearance of a site.
- (3) Interference - A review of the possible interference created by the installation of the requested antennas with other communications systems in the requested area. The Division may require the requesting agency to run radio tests prior to installation to determine frequency compatibility.
- (4) Environmental Impact - A review of the extent the requested antenna installation will adversely affect the natural surroundings and aesthetics in the requested area.

(Rule 0080-7-2-.03, continued)

- (5) Impact on the Division of Forestry - A review of the extent the requested antenna installation will interfere with or enhance Division of Forestry activities. No installation should require maintenance or development of improvements at the expense of the Division, in excess of the needs of the Division.

Authority: T.C.A. §§4-3-201 et seq., 4-3-504, 11-1-101 et seq., 11-4-101 et seq., 11-4-102, 11-4-301(d)(18), 11-4-405, and Executive Order No. 41 (February 4, 1991). **Administrative History:** Original rule filed August 25, 1989; effective October 9, 1989. Rule 0080-7-2-.03 has been assigned a new control number, removed, and renumbered from the amended rule 0400-8-1-.03 filed December 6, 2000; effective April 30, 2001.

0080-7-2-.04 RESTRICTIONS ON THE USE OF DIVISION OF FORESTRY SITES.

- (1) The Division will not authorize use of sites by private individuals, private companies, or amateur radio organizations. In addition, authorization will not be extended to government agencies or rural fire departments who, in the opinion of the Division, do not provide assistance to the Division in fire prevention and suppression.
- (2) All users not authorized by a license or agreement must remove their equipment from the Division of Forestry sites.
- (3) The Division may retain all structures or a building remaining on its lands 45 days after a site has been abandoned by the user or 45 days after the termination of the user's agreement. Unless retained by the Division, the structures or buildings will be removed at the expense of the owner.
- (4) All users presently authorized by a license or agreement, but who fail to qualify under the rules, will be permitted to continue use of the site for the life of their present improvements unless cancelled under the terms of the agreement. No additions, improvements, or expansions are permitted without authorization of the Division.
- (5) The Division cannot authorize use on sites if the use would conflict with existing deed restrictions.
- (6) The Division will not authorize additional installations at Division headquarter sites or 24 hour stations with one (1) acre or less.
- (7) The Division will not allow permanent installation of radio equipment by other organizations in any Division of Forestry structures not built specifically to house communication equipment.
- (8) The user of sites cannot assign the user's rights to another without prior written approval of the Division of Forestry.
- (9) The department will not authorize use of a site until all applicable provisions of law relating to contracts, property management, and leasing, including, but not limited to, T.C.A. §12-2-112 and such regulations as may be promulgated by appropriate state officials have been complied with.

Authority: T.C.A. §§4-3-201 et seq., 4-3-504, 11-1-101 et seq., 11-4-101 et seq., 11-4-102, 11-4-301(d)(18), 11-4-405, and Executive Order No. 41 (February 4, 1991). **Administrative History:** Original rule filed August 25, 1989; effective October 9, 1989. Rule 0080-7-2-.04 has been assigned a new control number, removed, and renumbered from the amended rule 0400-8-1-.04 filed December 6, 2000; effective April 30, 2001.

0080-7-2-.05 INSTALLATION CATEGORIES.

- (1) Class A installation includes attaching antennas to lookout towers, or other existing towers with various radio equipment attached to cross arms, platforms, or other parts of existing towers.

(Rule 0080-7-2-.05, continued)

- (2) Class B installation includes attaching antennas to lookout tower or other existing tower with separate building for radio equipment.
- (3) Class C installation includes installing a separate pole or steel tower 100 feet or less, with or without guy wires, with building to house radio equipment.
- (4) Class D installation includes installing a separate pole or steel tower over 100 feet, with or without guy wires, with a building to house radio equipment.

Authority: T.C.A. §§4-3-201 et seq., 4-3-504, 11-1-101 et seq., 11-4-101 et seq., 11-4-102, 11-4-301(d)(18), 11-4-405, and Executive Order No. 41 (February 4, 1991). **Administrative History:** Original rule filed August 25, 1989; effective October 9, 1989. Rule 0080-7-2-.05 has been assigned a new control number, removed, and renumbered from the amended rule 0400-8-1-.05 filed December 6, 2000; effective April 30, 2001.

0080-7-2-.06 USER CATEGORIES.

- (1) Federal, local, county governments, or other state agencies.
- (2) Semi-governmental Agencies.
- (3) Private Groups other than Radio or Television.
- (4) Radio or Television Stations.

Authority: T.C.A. §§4-3-201 et seq., 4-3-504, 11-1-101 et seq., 11-4-101 et seq., 11-4-102, 11-4-301(d)(18), 11-4-405, and Executive Order No. 41 (February 4, 1991). **Administrative History:** Original rule filed August 25, 1989; effective October 9, 1989. Rule 0080-7-2-.06 has been assigned a new control number, removed, and renumbered from the amended rule 0400-8-1-.06 filed December 6, 2000; effective April 30, 2001.

0080-7-2-.07 FEES.

- (1) The user of a Division of Forestry site for the installation of a communication system must pay an annual fee in advance.
- (2) Fees will be based on the category of user and category of installation.
- (3) If more than one user uses the same improvements, the owner must pay the full fee and the additional users may pay a Class A fee to the Division of Forestry.
- (4) The fees will be charged in accordance with the standardized rate structure which may be obtained from the Department of Agriculture, Division of Forestry.
- (5) Use of a site without charge may be authorized for government agencies and rural fire departments when in the opinion of the Division that use provides a direct benefit to wildland fire prevention and suppression.

Authority: T.C.A. §§4-3-201 et seq., 4-3-504, 11-1-101 et seq., 11-4-101 et seq., 11-4-102, 11-4-301(d)(18), 11-4-405, and Executive Order No. 41 (February 4, 1991). **Administrative History:** Original rule filed August 25, 1989; effective October 9, 1989. Rule 0080-7-2-.07 has been assigned a new control number, removed, and renumbered from the amended rule 0400-8-1-.07 filed December 6, 2000; effective April 30, 2001.